

From: Jon (038) Sara Bonesteel
To: Microsoft ATR
Date: 12/12/01 8:28pm
Subject: Microsoft Settlement

Sirs,

I have a number of issues with the proposed settlement for Microsoft.

In short, this proposal provides Microsoft (MS) the means by which to become

EVEN more of a Monopoly. I certainly understand that the new administration

is very monopoly and business friendly (especially with failed energy trading firms, but that's a different story), but please address my following concerns in the Federal Register. As a disclaimer, I have copied some of this text from a Robert Cringley article. I have verified the quotes.

1) Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...". The phrase "established by Microsoft" allows MS to disallow any information to strictly "non-commercial" concerns even though they may be bigger real competitors (e.g. Apache, or Linux). This allows MS to squash any (their call) non-commercial threat.

2) Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

3) The educational software distribution gives MS a gift of an additional entrance into the one market where they are not currently a monopoly. By gifting MS products to the schools, competitors such as Apple are put at a significant disadvantage. Is this a settlement?
Seems like furthering monopoly power to me.

Thanks

Jon Bonesteel
57 Tuxedo Rd
Montclair, NJ 07042